



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1431 of 2022

T.Poornaprakash

..Petitioner

Vs.

State Rep by
The Inspector of Police
F4, Thousand lights Police Station,
Chennai.
(Crime No.387 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.387 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.N.Thangaraj

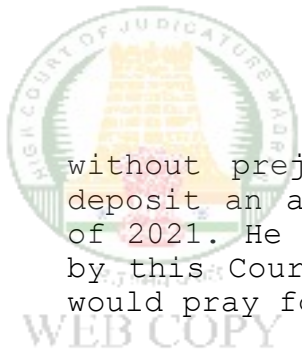
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.12.2021 for the offences under Section 420 of IPC in Crime No.387 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused collected Rs.5,00,000/- and 10 sovereigns of gold jewels from the defacto complainant for securing job at HR & CE Department and also collected several lakhs from various persons and subsequently failed to secure job as promised and not returned the amount received from them . Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration for more than 30 days from 12.12.2021. However, on instructions, he furthermore submits that



without prejudice to his rights, on his own volition is ready to deposit an amount of Rs.2,00,000/- to the credit of Crime Number 387 of 2021. He further submitted that the co-accused was already on bail by this Court in Crl.O.P.No.981 of 2022 dated 12.01.2022. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that this is the job racketing case and the petitioner is alleged to have accompanied with A2 and collected huge amount from the innocent job aspirants under the guise of secure job at HR & CE Department and collected Rs.20 lakhs from several persons and also gold jewels weighing about 10 Sovereigns from the defacto complainant and subsequently failed to secure job as promised. He further submitted that the petitioner has been returned the 10 sovereigns of gold to the defacto complainant.

5. Considering the above facts and circumstances of the case and that the amount involved is more than Rs.20 lakhs and the 20 sovereigns of gold was recovered from the petitioner and also considering the undertaking given by the petitioner that he is ready to deposit an amount of Rs.2,00,000/-, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.387 of 2021 within three weeks from today and on such deposit, before the learned XIV Metropolitan Magistrate, Egmore, Chennai and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.2,00,000/- on proper identification and acknowledgment;

(c) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned XIV Metropolitan Magistrate, Egmore, Chennai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically,

(d) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(e) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

(f) the petitioner shall not commit any offences of similar nature;



(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the Petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

24/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XIV, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI.

4 THE INSPECTOR OF POLICE,
F4, THOUSAND LIGHTS POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.N.THANGARAJ Advocate on payment of necessary
charges SR.NO.1063

CRL OP.1431/2022

Date :24/01/2022

RW 25/01/2022